

TILLAMOOK MUNICIPAL COURT ADVICE OF PROCEDURES

Welcome to the Tillamook Municipal Court. This memorandum is intended to familiarize you with the procedural aspects of your violation appearance. The following is an explanation of your options:

1. Enter a Plea of Not Guilty: If you enter a plea of Not Guilty, the Court will schedule a trial before the judge. There is a \$50.00 trial fee (court order 01-01), which must be paid when entering your plea. If you are found Not Guilty, the \$50.00 fee will be refunded to you. If you are found Guilty, the \$50.00 fee will not be refunded nor will it be applied toward the fine amount. You will be notified, by mail, of the scheduled trial date and provide you with a copy of the officer's notes. The letter will explain some rules that apply, such as, notifying the Court in advance if you are going to have witnesses and/or are going to be represented by an attorney. It is very important that you read this letter when you receive it. Please notify the Court if your address is different than the one indicated on the citation. You have the following rights at trial:

- a. The right to be represented by an attorney, at your own expense. You will not be provided a court appointed attorney.
- b. The right to a trial in front of a judge. There will be no jury.
- c. The City must prove its case by a 'preponderance of the evidence'. That means it is more likely than not, or 51% proven. This is less than 'beyond a reasonable doubt' standard of proof in criminal cases.
- d. The right to remain silent. You cannot be compelled to testify against yourself. If you remain silent, the Court will not hold that against you. You still have the right to question the officer, or any other witness for the City.
- e. The right to subpoena witnesses to testify on your behalf. This is important because you cannot introduce letters from witnesses. The formal rules of evidence apply.
- f. If you are found Guilty, you have the right to appeal and obtain a new trial in the Circuit Court. The appeal must be filed in writing within 30 days. (ORS 221.359)

If you are found Guilty, a fine will be imposed. See explanation of Guilty plea.

2. Enter a Plea of Guilty: If you enter a plea of Guilty, you are admitting your Guilt and the Court will impose a fine. On your ticket there is a base fine, this is the minimum fine set by the State of Oregon. This fine is based on the classification of the infraction. This is based on tickets written on or after January 1, 2006. See below:

<u>BASE FINE</u>		<u>MAXIMUM FINE</u>
Class A:	\$437	\$823
Class B:	\$252	\$472
Class C:	\$155	\$242
Class D:	\$107	\$145

If there is an accident involved, the fine is enhanced, per ORS 153.128. The Court's general practice is to impose the minimum fine. However, if you have a persistent history of similar violations, a fine more than the minimum can be imposed. Based on your driving record, the Court has the discretion to reduce a portion of the fine if you qualify.

You can make payment arrangements with the Court Clerk. Payment contracts must be paid in full within one year. There is a service fee for signing a payment contract. **If you fail to make your scheduled monthly payments, the Court may suspend your driver's license, and a suspension fee of \$100.00 per offense will be applied.** This must be paid in full before the Court will release the suspension. This does not include any fees the Department of Motor Vehicles may apply.

3. Enter a Plea of No Contest: A plea of No Contest means you do not want to Admit your guilt, but you are giving up your right to a trial and you do not wish to contest the charge(s). Provided the citation is in correct form and the basic case is outlined in the officer's affidavit, the Court will find you Guilty and the fine will be imposed. (See Guilty plea above.)

If you have any questions, the Judge will answer them when your case is called. If you need time to consult an attorney or insurance agent, you will need to speak with the Judge. If at any time you wish to take care of this without waiting in Court, you may go to the front counter and speak with one of the violations clerks.

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Municipal Court**
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